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Dated: May 7, 2004 Signature: Tia Zimmerman

Tia Zimmerman

Docket No.: 229752001500  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Patent Application of:  
Charles A. COLLYER et al.

Application No.: 09/980,370

Confirmation No.: 1330

International

Art Unit: 1653

Filing Date: May 26, 2000

For: METHOD OF PROPHYLAXIS AND  
TREATMENT AND AGENTS USEFUL FOR  
SAME

Examiner: R. Mondesi

**AMENDMENT AFTER FINAL UNDER 1.116 AND  
REQUEST FOR RECONSIDERATION OF THE FINALITY OF THE OFFICE ACTION**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Final Office Action dated November 7, 2003 (Paper No. 20031028) for which a response was due on February 7, 2004, and for which a three-month extension of time is requested in the accompanying Petition for Extension of Time from February 7, 2004 to May 7, 2004. Accordingly this response is timely filed.

Applicants submit that the present Office Action is the first action on the merits for this application and the designation of the action as a Final Office Action is improper.

Reconsideration is respectfully requested in view of the following amendments and remarks.